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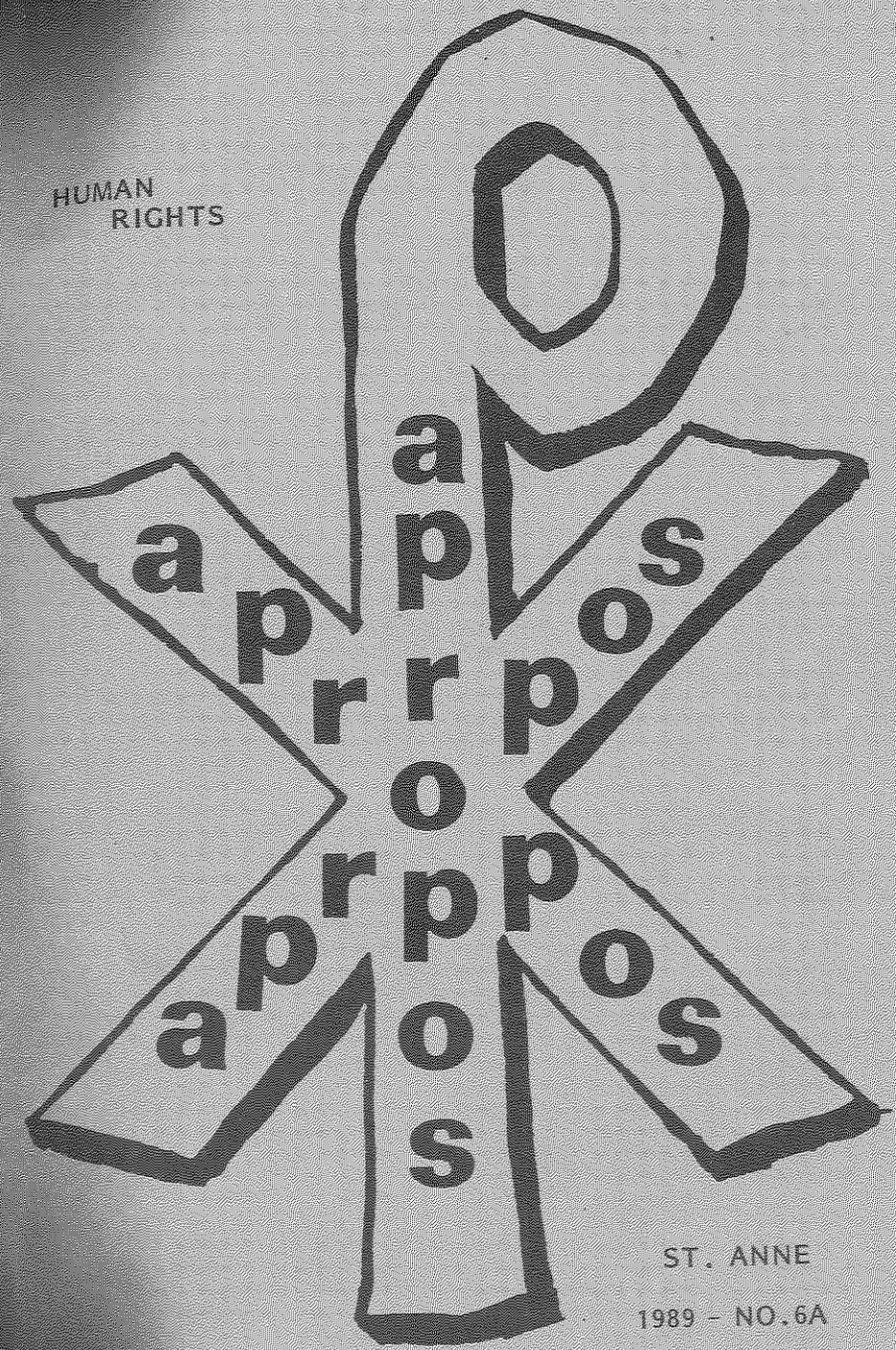
HUMAN RIGHTS



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EVERBODY DOES IT!

There is something essentially inhuman and even un-Christian in the masses and in the "this worldly" aspects of society, which we do not necessarily find in the individual. Especially if a society harbours paganising tendencies and strays collectively from the path of truth and virtue, the vigilance of the person easily becomes paralysed. Christopher Dawson writes:

It is the very function of the Christian to be moving against the world, and to be be protesting against the majority of voices. And though a doctrine such as this may be perverted into a contempt of authority, a neglect of the Church and an arrogant reliance on self, yet there is a sense in which it is true, as every part of scripture teaches. "Thou shalt not follow a multitude to do evil," is its uniform injunction.

Everywhere we can hear the exclamation: "There's nothing wrong with it; everbody does it!" And since the omnipotent society rules through the public praise of labels and shibboleths, we see as a result all heresies, mischevious actions, immoral propositions making their conquests under an elaborate camouflage, in order not to challenge openly the powerful forces of the the social Behemoth which can be far more potent than the state Leviathan.

(Erik von Kuehnelt - Leddihn, LIBERTY OR EQUALITY)

HUMAN RIGHTS IN CATHOLIC DOCTRINE AND LIBERAL THEORY

(Address of Arnaud de Lassus to Pro-Ecclesia et Pontifice at Hoddesdon April 1989)

I make no apology for choosing to talk about human rights. There is scarcely an issue that crops up in public debate today that does not involve an appeal to one 'human right' or another. The Salman Rushdie affair, for example, where the 'rights of Islam' were opposed to the author's 'right to free expression'. In my own country there is a great controversy at present as to whether immigrant foreigners should have the right to vote in local elections. And in both our countries the availability of abortion means that two human rights are in head-on opposition - the unborn child's right to life versus the mother's 'right to dispose of her own body'. One could produce a list of 'human rights' as long as my arm: some of them political, economic or religious rights common to all; others claimed on behalf of particular groups: 'gay rights', children's rights, the right of asylum for refugees - even the 'right to die' (in favour of euthanasia!). More and more of these rights are now enshrined in legislation, and they often have vocal watchdog bodies to agitate for their observance and extension.

The issue of 'human rights' has additional topicality this year, in which France is celebrating the 200th anniversary of its Revolution, and of the famous Declaration of Human Rights of 1789 and 1793 - a celebration which is almost bound to spill over the frontiers into the other countries of the European community. And the Church itself has referr with increasing frequency to the rights of the human person in its magisterial pronouncements of the last 25 years.

The subject is a very wide one, and I obviously cannot deal with the whole of it in this one talk. But there is one essential aspect on which we Catholics need to be very clear, and that is that there are two very different concepts - the Catholic doctrine and the liberal theory. They start from different premisses, and can often lead

to contradictory results (as in the abortion and Rushdie cases I've just mentioned), and we need to bear their incompatibility in mind when our support is solicited for any particular 'human rights' cause. (It is not always quite clear which of the two categories is being invoked in some of the Church's more recent magisterial statements.)

I shall first set out briefly the correct Catholic way to understand the question; then show how the liberal theory differs from this, how it originated, and some of its practical consequences.)

PART ONE: THE CORRECT DOCTRINE OF HUMAN RIGHTS

RIGHTS IN GENERAL

DEFINITIONS

We may define a right as *'the moral capacity of a person enabling him justifiably to perform an action, own a possession or make a claim'*. As the word 'justifiably' indicates, we can only speak of a right when its object is something that is morally licit.

In speaking of a right (for example, the right to own a house), we distinguish three aspects:

- the subject of the right (the person enjoying the right, i.e. the owner);
- the terms of the right (the obligation imposed on other persons by virtue of the rights: that of not hindering his due possession, for example);
- the object of the right (the action, possession or claim the subject has a right to perform, own or make - in this case, the house).

Most importantly, the object of a right must always be morally permissible. This fact is often lost sight of nowadays, but is brought out by Leo XIII in his encyclical *Libertas*, when he says: *'a right is a moral power.....and it is absurd to suppose that nature has accorded this equally and without distinction to truth and falsehood, to good and evil.'* It is thus a contradiction in terms to speak of a 'right' to abortion, a 'right' to divorce, a 'right' to commit suicide or to purvey error.

2 - THERE ARE NO RIGHTS WITHOUT CORRESPONDING DUTIES

If we break down the definition I have just given, this becomes clear. If I have a right to perform some action, other people have the duty to allow me to perform it. If I am to be enabled to enjoy some possession, others have a duty to respect my property right. If I have the right to make some claim or demand on others, this implies that those persons have a duty to submit to my claim or demand.

All this is self-evident; it is not possible to speak of rights without evoking a corresponding set of duties, at least implicitly. This has been far too often lost sight of; hence the lack of realism of those who press for rights unaccompanied by duties, an unrealistic attitude characteristic of so much of what is written on human rights today.

3 - INNATE AND ACQUIRED RIGHTS - A DISTINCTION

'A further distinction needs to be made, that between innate (or strictly natural) rights, those based on man's own nature itself, and acquired rights (...), those based immediately on a free contingent fact, so that they can be lost or transferred to someone else. An example is the right of property, which although derived in a vague and general way from nature itself, only becomes applicable to a particular object by the fact of its occupancy.

Innate rights, by contrast, derive from man's nature itself, and from the necessary finality with which his nature endows him; that finality confers on him the right to procure what he needs to reach his final good provided he does not harm others in so doing. Such rights are therefore immediately inherent in man's nature, and cannot in their substance be excluded or abolished, though a person may decide not to avail himself of them when free to do so, and can even formally renounce them, as for example when he or she takes vows involving forgoing the right to marry... in order to lead a more perfect life.' (I am quoting here from Father de Cloriviere, S.J., a contemporary critic of the revolutionary Declaration of the Rights of Man, writing in 1793.)

This distinction between innate and acquired rights is an important one. As we shall see, the transformation of acquired rights into innate ones is one of the surest ways of establishing a socialist society.

II - NATURAL RIGHTS

RIGHTS INHERENT IN MAN'S NATURE

Elsewhere in the same book, Father de Cloriviere gives this definition of natural rights:
'In relation to God, man has no rights, since he holds everything from God, owes everything to God, and God owes him nothing. But in his relations with his fellows, man has a right not to be prevented from enjoying those goods that accord with his nature (....). Natural rights are those that we hold from nature. Among them there are some which are so inherent in our human nature that they cannot be separated from it (.....). They are common to every human being.'

RIGHTS PRIOR TO THE STATE WHICH THE STATE MUST RESPECT

Speaking of these rights, Pius XII described them as:
'inalienable rights, granted by God, prior to the State, and which the State itself cannot infringe without compromisi its own existence. In the first place among these rights is the freedom to practise the religion founded on faith in God and his Revelation.' (He was speaking here to members of the U.S. Congress on 15th December 1944.) And Pope Pius reinforced the point 8 years later, in his message to the Berlin Katholikentag on 10th August 1952, when he said:
'These rights are primordial and inalienable; their existenc is prior to that of any earthly authority, even that of the State. The State is called to recognize and protect them, and they can never be sacrificed in the interests of the general good, since they are an integral part of this. This is the Catholic conception.

WHAT ARE OUR NATURAL RIGHTS?

Father de Cloriviere explains this in terms of the nature with which God has endowed us, as free beings possessing a spiritual soul and a material body. As souls we have both understanding and will, the objects of which are respectively the truth and our true good. As free physical beings, we may act in any way that is consistent with our

duties, and defend and preserve our lives and goods.

Seen thus, our natural and imprescriptible rights fall under 4 headings:

1. The right to knowledge of the truth;
2. The right to seek the Good necessary to our happiness and our final goal;
3. Freedom, the ability to act in any way that is not contrary to our duty;
4. The safeguarding of our personal existence and our goods.

Rights 1 and 2 are totally imprescriptible. We may never deprive another person of his or her right to the truth or to seek the ultimate Good. Even God Himself never deprives us of them in this life; it is a punishment He reserves in the hereafter for those who have failed to use them properly on earth. Numbers 3 and 4, freedom, self-preservation and the right to property are imprescriptible only insofar as one does not lose them through one's own criminal action.

In his Christmas radio message to the world of December 24th 1942, Pius XII provided a list of specific examples of these natural rights - he called them *'basic personal rights'*:
'the right to the support and development of bodily, intellectual and moral life, in particular the right to religious training and education, the right to worship God, in private and in public, including works of religious charity; the right, in principle, to marriage and the obtaining of the ends of marriage, the right to conjugal and domestic society, the right to work as the indispensable means for supporting one's family; the right freely to choose one's profession, including that of the priestly or religious life; the right to use material goods within the conditions set by one's own duties and the limits inherent in the society in which one lives.'

Although formulated differently, Pius XII's inventory corresponds, as one can see, with the four main categories set out by Father de Cloriviere.

Incidentally, when Pius XII speaks of *'a right to religious training and education'* and *'the right to worship God in private and in public'*, it is quite clear by reference to his teachings as a whole that he means the true religion and the worship of the true God. It is no use appealing to this text as a justification for the new-style 'religious liberty' we hear so much about nowadays. In any case, in other texts Pope Pius speaks unambiguously of *'the right to true divine worship'* (in a message of June 1st 1941), and of our *'freedom to practise the religion founded on faith in God and his Revelation'* (speaking on December 15th 1944).

III - FOUNDATION OF HUMAN RIGHTS

My last quotation leads us naturally to a consideration of the foundation on which our rights are based. The Church has always maintained that, whether they are natural or acquired, our rights derive from God. Pius XII, speaking to a congress of jurists in July 1950, saw this principle as implicitly recognised by pre-Christian philosophers, and quoted Plato as saying explicitly *'.....For us God is the first and true measure of all things, much more than any man can be.'* And Pope Pius continued: *'The Church shares this concept, bringing to it the fulness and depth of its truth when it declares, with St. Paul, that all fatherhood derives from God, and teaches consequently, that our mutual relations within the great human family must depend on the principle that "every right has its root in God"'.*

Cardinal Pie, the great bishop of Poitiers, had set out the concept in some detail in a sermon he gave in 1849: *'....human rights cannot properly be separated from God's rights, since their only reason for being is in Him and through Him. If we apply this principle to its full extent we should say "divine right of fatherhood, divine right of sovereignty (whatever form it takes), divine right of property."'*

It is from God, the Apostle tells us, that <u>all fatherhood descends</u>: *'A quo omnis paternitas'*; and it is from God, the same Apostle adds, that all authority proceeds, whether over people or things, and hence the right of sovereignty or of property - 'Omnis potestas a Deo'.

So no created being, whether the head of a family, an empire or an estate, can claim a right or perform a single act of authority unless he does so as dependent on and delegated by Him from whom all power and all fatherhood descends: 'A quo omnis paternitas, omnis potestas a Deo.'

Leo XIII, in an encyclical of 1892, sums it up thus: *'Man's true rights take their origin precisely from his duties towards God'*. Or, as Father Denis Fahey has formulated it (in his <u>The mystical body of Christ and the reorganization of society</u>):

'To the paramount rights of God correspond duties on the part of man, and these duties to God are the foundation of the true rights of man. Thus the duty of tending to God in the way He has laid down, namely, as a member of Christ, is the foundation of the true rights of man as a human person. Because all men are called to love and serve the Blessed Trinity as members of Christ, freedom to worship the Blessed Trinity, in the Catholic way God desires, and to develop their personality after the model of Christ, are indisputable human rights. Now a sufficiency of what the body requires, is normally indispensable, as a secondary and quasi-instrumental condition, for the cultivation of human personality. Society ought, therefore, to be organized with a view to secure the becoming minimum of personal rights for all and for each of its members.'

PART TWO - THE LIBERAL THEORY OF HUMAN RIGHTS

I now come to the liberal theory of human rights. This was introduced into the legislation of our western nations as a result of the activities of the masonic lodges and the so-called 'Enlightenment philosophers' of the 18th century, and it differs markedly from the Catholic view that I have just set out. Its underlying principles, and the rights deriving from these, are set out in the famous 'Declaration of the Rights of Man and the Citizen' of 1789, a text whose bicentenary France is celebrating this year. I shall deal first with the philosophical principles.

I - THE PHILOSOPHIC PRINCIPLES

<u>1 - ARTICLES 3, 4 AND 6 OF THE 1789 DECLARATION OF RIGHTS</u>

These emerge clearly from three articles of that Declaration.

Article No.3 states that all authority or sovereignty resides essentially in the nation; corporate bodies or individuals can only exercise authority if that is expressly delegated to them by the nation.

In Article 4 it is stated that liberty consists in the right to do anything that does not harm someone else. Thus the only limit to any person's natural rights is the requirement not to restrict the exercise of the same rights to other persons. This limit can only be determined by the law.

And Article 6 defines the law as the expression of the general will. All citizens have the right to contribute, either personally or through their representatives, to the establishment of the law. This must be the same for all citizens, giving equal protection and punishment to all. Since all citizens are equal in its eyes, they all have an equal right to access to posts of honour, authority and public employment, the only distinction being that of their virtues and capacities.

Two key ideas emerge from these texts.

The first idea is that man depends only on himself. The only limitation on his liberty is that of his fellows. This derives logically from article 4: 'liberty consists in the right to do anything that does not harm anyone else'. This liberal definition of freedom is in direct contradiction with the traditional one, since it is not based on truth and justice. It allows us to believe and to do whatever we like, provided only that we do not harm other people. We are not subject to any transcendent authority; the limits to our actions do not come from above, but from the laws established by society, i.e. by our fellow-citizens.

The whole of liberalism, with its anarchy in the intellectual and moral fields, is contained in germ in this article 4. We can see why the term 'liberal ideas' was often used in the 19th century when what was meant was the philosophy of the Revolution.

The second idea is that authority and law are based on man, considered collectively.

If man depends only on himself, then man himself is the only source of any sort of authority in society, and of all law. This is what articles 3 and 6 lay down. Article 3 sets out the theory of popular sovereignty. In this the Catholic formula 'Omnis potestas a Deo' (All power comes from God) is replaced by 'Omnis potestas a populo' (all power derives from the people of the nation, in other words, man considered collectively). According to article 6 ('The law is the expression of the general will'), positive law (that is, law as voted by parliaments), is not an extension of the natural law, but is just what is decided or dreamed up by collective man, through what is called 'the general will'.

The change of viewpoint implied by article 6 is of more than academic significance. Positive law, parliamentary legislation is no longer dependent on an authority above man, is now an absolute in itself. The origin and foundaton of all rights is now the human legislator, or more likely the State, since this is seen as representing the general will. And we end with what has been called 'juridical positivism' which, according to Pius XII, *'is at the root of state absolutism, which leads in the end to a deification of the State'* (Address to members of the Rota, 13th November 1949).

One obvious feature of the 1789 Declaration is its basic atheism. Everything in it, whether on the individual level or the social and political plane, rests on man and is based on man. It recognizes no authority higher than man or transcendent to him. There is indeed a reference to the 'Supreme Being' in the second paragraph of the document - and it does not outlaw a private belief in God - but the whole tenor of the Declaration makes it clear that God does not, and must not wield any authority over human affairs. In fact he turns out to be no more than the masonic 'Great Architect of the Universe', an easy-going imaginary figure useful only to give celestial justification for one's own ideas. This is, of course, hardly surprising when we remember that the 1789 Declaration originated in the masonic lodges and is an expression of masonic philosophy

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2 - WHAT ABOUT THE 1948 DECLARATION OF HUMAN RIGHTS?

In 1948 the United Nations published a 'universal declaration of the rights of man'. If we compare its article 21 with articles 3 and 6 of the 1789 declaration, the similarity is striking.

Article 3 of the earlier text states 'The principle of all sovereignty resides essentially in the nation; corporate bodies or individuals can only exercise authority if this is expressly delegated to them by the nation.' And article 6 defines law as being 'the expression of the general will (....)'.

If we turn to the 1948 Declaration, this is what we find in its article 21, third paragraph: 'Any public administration derives its authority from the will of the people; this will must be expressed in honest elections held periodically, based on equal and universal suffrage and a secret ballot, or an equivalent procedure that guarantees a free vote.'

Thus both texts, 1789 and 1948, express the same principle of popular sovereignty, in which authority emanates from man, seen collectively - a principle that has been condemned by the Church on numerous occasions.

II - FALSE RIGHTS DERIVING FROM LIBERAL PRINCIPLES

Are the rights based on these two liberal declarations of 1789 and 1948 necessarily false rights? I have already argued that there are three criteria for judging whether a right is valid or not. It may be based on a false principle, it may be applied to an impermissible object, or its scope may be extended unjustifiably.

If we apply the first criterion, both liberal declarations base all rights on the will of man rather than that of God. They are thus based on an invalid principle, and in this respect are false, even those which might be permissible if validly based on God's will.

A certain number of the rights proclaimed by 1789 and 1948 are false for the second reason, in that they are applied to impermissible objects.

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A certain number of the rights proclaimed by 1789 and 1948 are false for the second reason, in that they are applied to impermissible objects.

This is the case, for example, of freedom in itself, and of the freedoms of expression, conscience and religion.

The Declaration of 1789, after claiming freedom in general as a natural and imprescriptible right, defines it (in its article 4) as 'the power to do whatever does no harm to anyone else'. It thus includes what we could call 'private evil' among its objects, unlike true freedom, whose objects are what is true and good.

As for freedom of expression, conscience and religion, article 11 of the 1789 declaration states the following: *'Free exchange of thought and opinion is one of man's most precious rights: every citizen therefore must be free to speak, write and print his ideas freely, subject solely to such regulations as the law may make to prevent the abuse of this right.'*

And the 1948 United Nations declaration lays down the following in its article 18: *'Every person has the right to freedom of thought, conscience and religion. This right implies the freedom to change one's religion or conviction, as well as freedom to give expression to one's religion or convictions, singly or jointly, in public as well as in private, through teaching, practice, worship and the performance of rites.'*

The most obvious comment we can make on the rights defined in these last two articles is that the objects to which they are applied are not the true and the good - they cover indiscriminately any thought, belief or propaganda, true or false, good or evil. They are thus, as they stand, false rights, examples of a whole corpus of liberal 'freedoms' which were constantly condemned throughout the nineteenth century by popes Gregory XVI, Pius IX and Leo XIII.

My last category of 'false rights' involves the unwarranted extension of a right that may in itself be justified; the transformation, maybe, of what is really no more than an acquired right into an innate or natural right. An example of this is the right to holidays with pay. Thus, the 1948 declaration states in its article 24: 'Every person has the right....to periodic paid holidays'. Does this really mean 'everyone'? Whose duty will it be, we may ask, to pay for the holidays of non-employed persons (women at

home, farmers, self-employed workers, etc.....)? If this right, acquired by employed persons, is extended to everyone, we shall have to call on the State to finance it, and in so doing we shall allow it to interfere even further in the lives of all of us.

The consequence of such an extension will be either a socialist society or what the law lecturer Stephane Rials has called *'The chaos that results when unlimited rights are claimed for each individual irrespective of the possible effect on the group.'*

III - CRITICAL JUDGEMENTS ON THE LIBERAL THEORY OF HUMAN RIGHTS

The liberal conception of human rights has come in for adverse criticism from Catholic thinkers and authorities every since it was first proclaimed. Only two years after the issuing of the 1789 Declaration, Pope Pius VI condemned its contents in the following terms in his encyclical Adeo nota of April 23rd 1791: *'The seventeen articles on human rights published by the assembly of the Comtat Venaissin* (an area of France which was then papal territory) *are merely a faithful repetition of the declaration made by the French national assembly on these same rights which are so contrary to religion and society.'*

Later pontifical texts were more precise about the reasons for this disapproval. Thus Pius IX's Syllabus of 1864, in its number 39, condemns the proposition *'The State, as being the origin and source of all rights, is endowed with a certain right not circumscribed by any limits.'* And Leo XIII went into some detail to criticise the liberal theory towards the end of the century, in, for example, his encyclicals Immortale Dei and Libertas.

These pontifical condemnations were not isolated phenomena: responsible laymen too saw the dangers implicit in the new concept of human rights. Thus Albert de Mun, an early French protagonist of Catholic social doctrine, repeatedly referred to them in speeches in and outside parliament in the 1870's. I quote:

'The Revolution is a doctrine that claims to base society on the will of man rather than on the will of God...' 'It reveals itself in a social, political and economic system dreamed up in the brains of philosophers, without respect for tradition and which denies God any influence over public affairs. That is where the Revolution is, and it is there that it must be attacked...' 'The rest is secondary, or rather everything originates from that arrogant revolt that has given rise to the modern State, a State that has taken the place of everything else, which has made itself a god, and which we refuse to worship. The counter-revolution is the opposite of this; it is the doctrine according to which society must be based on Christian law.'

And the Jesuit theologian, Cardinal Billot, in his treatise De Ecclesia in the early years of this century reinforces the condemnation when he writes:
'These principles, reduced to their simplest expression and properly understood, declare that human affairs are independent of divine concerns, that civil affairs are not subject to religious law, that temporal government is to be separated from that authority that is concerned with our last end and ultimate goal; in short, our life in this world is transferred into a closed capsule in which man is no longer obliged to recognize his God and worship Him.....'

PART THREE: ORIGIN OF THE LIBERAL CONCEPT OF HUMAN RIGHTS

The origins of an ideology are almost always complex. But it is possible to distinguish two sources for the liberal theory of human rights. The closest source is a masonic one, but it is possible also to trace an earlier inspiration in the Protestant so-called Reformation.

I - THE MASONIC ORIGIN

It is a fact not disputed by any serious historian of the Revolution that the 1789 Declaration was worked out in the masonic lodges. The harmony between the ideology of Freemasonry and the philosophy underlying the 1789 Declaration (and its descendant of 1948) is too close to be ignored.

We can sum up the ideology of Freemasonry in three propositio

- there is no universal truth;
- there is no universal revealed truth;
- morality is man-based: *'Man is the starting-point for all knowledge; he is his own source and his own reference'*

(I am quoting here from a radio talk given in 1979 by Michel Baroin, past Grand Master of the Grand Orient Freemasonry of France.) Such an ideology is subjectivist on the philosophical, religious and moral planes, and it leads to a political subjectivism, in which law depends on man, seen collectively, and is independent of any transcendental order. This is precisely the same subjectivism that we have already noted in the declarations of 1789 and 1948.

But in any case, the Freemasons make no secret of the fact that they were responsible for elaborating and enacting the 1789 Declaration. Two texts among many bear witness to this. The first, dating back to 1904, is by a Monsieur Bonnet, orator of the general assembly of the Grand Orient of France. He claims that *'When the Bastille was demolished, Freemasonry was granted the supreme honour of giving humanity the charter that it had lovingly elaborated.*

It was our Brother.: de La Fayette who first proposed "the draft of a declaration of the natural rights of man and the citizen living in society", intended to form the first chapter of the constitution. On August 25th 1789 the Constituent Assembly, more than 300 of whose members were Masons, definitively adopted, almost word for word, just as it had been lengthily studied in lodge, the text of the immortal declaration of the rights of man'.

(It might be added that the French document was itself a European adaptation of the earlier American 'Declaration of Rights' of 1776, itself drawn up under liberal and masonic influence.)

More recently, in November 1983, the review 'Humanisme' of the Grant Orient reminded its masonic readers that *'the immortal declaration of the rights of man and the citizen had been drawn up in our lodges.'*

From 1789 the revolutionary society based on the 'Rights of Man' took the place of that of the Ancien regime, based on the Ten Commandments.

The new law had driven out the old, to such an extent that cartoons and prints of the time showed the Declaration of Rights engraved on one or two tablets of stone, just as earlier drawings had shown Moses receiving the two tablets on which God's finger had inscribed the Decalogue.

II - AN EARLIER SOURCE
THE PROTESTANT REFORMATION

I have noted that liberal philosophy is subjectivist in its dictum that all power derives from the people. Such a subjectivism was in fact already inherent, implicitly, in the so-called 'Reformed' religion of the 16th century; its suppression of any true religious authority and its principle of freedom of enquiry opened the way for man to create his own religion. Once this subjectivism had penetrated the sphere of religion, it was easy for it to pass into the moral order, via Kant and Rousseau, and into the political order with the Declaration of 1789.

The first stage of this process is described by E. Julien in his book on 'Bossuet and the Protestants', when he writes: *'To provide a basis for morality, Kant merely took the supernatural subjectivism of his master, Luther, and applied it in the practical sphere. Everything happens within us, and although everything would seem to imply the intervention of a just and good God, yet everything happens as though God did not exist, as though man were in no way answerable to Him. Man's conscience owes no duty to any power outside itself; it constitutes its own rule, its own law, its sanction and its own ultimate justification.'*

If our conscience is a law unto itself on the personal level, it is logical to extend this to the level of public affairs, and to see the collective conscience of a people as being the sole source of public law - hence article 6 of the Declaration: *'The law is the expression of the general will'.*

This direct relationship between the Reformation and the Revolution was recognised by Leo XIII when he wrote, in his encyclical Diuturnum of 1881: *'It is the Reformation that gave birth in the last century to all those evils: a false philosophy and what is called modern law, popular sovereignty and that unrestricted licence which for many today is the only true liberty.'*

CONCLUSIONS

As I draw to a conclusion, it will be clear that I have not dealt with all possible aspects of the question of human rights. All I have done is to set out the principles underlying the Christian and liberal concepts, and shown how they differ and, in fact, contradict each other. There is a whole field that I have not covered. I have not, except in passing, attempted to apply these principles to a detailed assessment of the bewildering multiplicity of 'human rights' that claim our support nowadays. Such an assessment has to be made, of course, if we are not to confuse true and false rights, and we have the means to make it, in the threefold criteria that I mentioned earlier: namely that a true right must be properly based (i.e. on God's will), that it must be directed to a good end, and must not be extended unreasonably.

These three criteria are not purely academic distinctions, of interest only to the philosopher, but have important practical consequences.

The exclusion of the divine reference from our modern declarations of rights not only weakens the Church's role as moral arbiter for society, but makes the spread and implementation of the Church's social doctrine that much more difficult.

The second criterion - that a right must have as its object what is true or good - is important not only for 'rights' involving medical ethics (one thinks of abortion and euthanasia), but also for the 'right of free expression' in cases of pornography, blasphemy and libel.

And the third criterion - that a right should not have its application unwarrantably extended - has a double importance. I have already shown how the failure to observe this principle can lead to an acquired right (the right to paid holidays, for example) being asserted as a natural, absolute right. But the criterion can also help us to establish priorities when we are faced by two conflicting rights. The right to strike, for instance, may be held to be a proper acquired right, but not to the point where the strike denies the necessities of life to those not parties to the dispute, for these last have a prior right to subsistence.

I think I have said enough to demonstrate the importance of submitting all alleged rights to rigorous testing along the lines I have set out. And in the present climate in the Church, it would be wise to apply the Catholic criteria for validity of rights even to some of the Church's more recent magisterial pronouncements, whether Roman or issued by national hierarchies. When the windows wer flung open onto the world twenty five years ago, more than just fresh air blew in. It is vital for us to be on our guard against the smoke of 1789 within the Church.

Arnaud de Lassus

LIBERTY OF CONSCIENCES

'We have said "the sacrosanct and inviolable rights of souls and of the Church." There is in question here the right of souls to procure for themselves the greatest spiritual good under the magisterium and the educational work of the Church, the only representative of that magisterium and that work, divinely constituted in this supernatural order founded on the Blood of God the Redeemer, necessary and obligatory for all, so as to participate in the divine Redemption. There are in question the rights of souls thus formed to impart the riches of the Redemption to other souls by collaborating in the activity of the Apostolic Hierarchy.

It is in consideration of this double right of souls that We have said recently that We are happy and proud to fight for the liberty of consciences, not (as some, perhaps by inadvertence have made Us say) for liberty of conscience, which is an equivocal expression, and one too often abused to signify absolute independence of conscience, an absurd thing in a soul created and redeemed by God.

(PIUS XI Non abbiamo bisgno 1931.)

ON THE RIGHTS OF MAN

by Diane Moczar

European Catholic writers, especially the French, have long been criticizing the influence of the 'rights of man' ideology in contemporary society, including the Church. For Americans, such comments are apt to be puzzling. Isn't our form of government based on the idea of human rights? And are we not reminded daily by the media of the human rights of some group or other and, especially, of threats to or violations of those rights?

THE FILTH PRODUCERS

Yet is is also becoming increasingly clear that the supposed absolute character of our rights is beginning to get in the way of effective action against the many moral evils that beset our society. To take just one example, we have recently witnessed virulent attacks against those combatting filth in the media on the grounds that they would restrict the sacred 'right' of free expression by what is considered the ultimate evil of censorship. Oddly enough, the anti-filth crusaders appear to have no real answer to this charge, since they themselves accept the premise of the absoluteness of 'rights' and the wickedness of their restriction; they can only argue that they are not in favour of censorship, but only of some sort of voluntary restriction of filth on the part of the filth producers.

As a result of this mentality, we are rapidly becoming submerged, to a degree previously unknown in history, in a tide of pornography, blasphemy, anti-Catholic propaganda and subversive journalism - all snugly sheltered behind the freedom of speech proclaimed by the First Amendment. Homosexuality is rampant (surely perverts are merely exercising their 'inalienable right' to the 'pursuit of happiness' according to the Declaration of Independence?). Women exercise their rights over their bodies, or to privacy, (take your choice) by killing their unborn babies. We've got hundreds of 'churches' in this country, including openly Satanic cults and weird Eastern religions which are increasingly capturing the minds of our young people, and all these sects can also claim their First Amendment

right of free expression - regardless of the damage done to Truth and to souls.

JOHN PAUL II - POPE OF RIGHTS OF MAN

Not only does the appeal to 'human rights' shelter the worst evils of secular society, but it has invaded the Church with a vengeance. The Second Vatican Council conceded the right of religious liberty to heretics, women claim the right to be priests, parish councils the right to rule pastors, missionaries the right to overthrow governments. And if Paul VI was the first Pope to proclaim that he had the *"cult of man"*, John Paul II is surely the Pope of the *"rights of man"* which he praises everywhere he goes - seemingly blind to the fact that he thus fosters the very forces of disintegration he is later forced to combat.

RIGHT LIMITED BY RIGHT

In the face of such widespread confusion concerning the meaning of human rights, traditionalists often find themselves at a loss for arguments with which to oppose current thinking on the subject. For example, it is often said that 'my rights end where yours begin'. As Dr. Ronald McArthur has remarked, *"When we speak about our rights, as we often do, we tend to speak as if they were identical with power, and that they extend as far as our powers permit except when they conflict with the other's rights or powers. This is, I think, to conceive of ourselves as if we were bodies which meet and are modified in our behaviour by the resistance of other bodies. Hence the talk about one's rights limited by another's rights, ..."*(1). That this idea offers no real defence against moral evil is evidenced by the fact that those who oppose pornography, for example, have a hard time coming up with some right which the pornographer can be said to violate and which would thus limit his right of freedom of expression. Pro-life activists are on firmer ground in asserting a right to life for the unborn child, but the assertion has little effect as long as the courts give greater weight to the presumed rights of the mother. Clearly we cannot rely on a 'right limited by right' argument to enforce even the most rudimentary social morality.

See notes at end of article.

THEORY OF CORRESPONDING DUTY

Another condition sometimes thought to be a deterrent to unbridled exercise of 'rights' is the theory of corresponding duty. I have the right to free expression but I also have the obligation to use it in a responsible manner. I have the right to bear arms but also the corresponding duty to refrain from shooting my neighbour, etc. This is also a very weak defence and, as the French theologian Fr. Georges de Nantes has observed in a conference, it fails completely in the matter of abortion. The unborn child is said to have a right to life, but it is impossible to assign him any corresponding duties; does this then nullify his right? (2)

It is evident that, in order to oppose the disordered concept of human rights which is wreaking such havoc in both Church and civil society, we must first have a clear idea of what 'rights' really are; more, we must have a true understanding of the human person as the subject of these rights. This article will examine these questions in the light of traditional Catholic philosophy and theology, particularly as they have recently been analysed by French Catholic thinkers including the Abbe de Nantes.

The moral chaos resulting from a false conception of the rights of man points to a more fundamental error concerning the nature of man himself and the relationship between what he is and his 'rights'. It is important to make very careful distinctions in this matter since, up to a point, both Catholic thinkers and their adversaries use the same terms when discussing the nature of man. They even draw some similar conclusions from their premises, which has made it difficult for non-philosophers to see where they really disagree. Indeed, Catholic thinkers are sometimes at a loss in attempting to criticise false concepts of rights precisely because they have accepted the philosophical premises of their opponents without proper distinction.

RATIONALIST CONCEPTION OF THE NATURE OF MAN AND HIS RIGHTS

Let us first summarise briefly the main rationalist position on the nature of man and his rights.

(I am taking here the view of the major non-Catholic philosophers who were philosophers in a more or less traditional sense - that is, who agree that there are such things as nature, natural laws, etc; who, in short, seem to share at least part of our philosophical vocabulary. I present their position as being the strongest one we have to deal with. After all, there is little dialogue you can have with a man who denies the evidence of his senses, or asserts that there are no natural or moral laws. These people exist, but do not present a coherent philosophical position that we can profitably analyse).

A SCHOLASTIC ENLIGHTENMENT?

The modern theory of the rights of man, especially as evolved by Locke in England and later on by the 18th century French 'Enlightenment' philosophers, accepts the Aristotelian premises that nature acts for an end, and that man, having a rational nature, acts for ends in accordance with this nature. Our philosophers agree with Aristotle that all men desire happiness, and with Saint Thomas that they naturally seek 'the good' as their end. It is even probable that they would accept Saint Thomas' analysis of the three broad areas of natural law:

'Wherefore, the order of the precepts of the natural law is according to the order of natural inclinations. For there is in man, first of all, an inclination to good in accordance with the nature which he has in common with all substances, inasmuch, namely, as every substance seeks the preservation of its own being, according to its nature; and by reason of this inclination, whatever is a means of preserving human life, and of warding off its obstacles, belongs to the natural law. Secondly, there is in man an inclination to things that pertain to him more specially, according to that nature which he has in common with other animals; and in virtue of this inclination, those things are said to belong to the natural law "which nature has taught to all animals", such as sexual intercourse, the education of offspring and so forth. Thirdly, there is in man an inclination to good according to the nature of his reason, which nature is proper to him. Thus man has a natural inclination to know the truth about God, and to live in society; and in this respect, whatever pertains to this inclination belongs to the natural law.....' (3)

The idea of 'rights' comes into the discussion as a just claim to something which is in accordance with man's nature and which comes under the precepts of the natural law. Thus in Saint Thomas' first category, the preservation of life, we can see the foundation for a 'right to life'; in the second, a right to marry and to raise children; in the third, the right to know God, to live in society, etc. It should not surprise us to find our modern philosophers acknowledging God; they were not atheists, and indeed wrote a great deal about God as creator and source of natural law.

In this very sketchy presentation of a few of the commonly accepted principles of natural law philosophy, we can see little with which to disagree. Indeed, so many of the premises of our 18th century philosophes resemble superficially those of traditional Catholic pholosphy that American conservatives, in particular, have found themselves mightily puzzled when these same premises lead to sinister conclusions. The American Founding Fathers, claim these conservatives, were actually scholastics as well as Freemasons and men of the enlightenment. The Declaration of Independence and the Bill of Rights, fruits of their noble philosophy, are triumphs of reason and piety; if we could but really return to these documents and implement them according to the mind of our Fathers, the problems of our society would be largely solved. (It sounds a bit like the argument that returning to Vatican II - which has yet to be really understood and implemented - would solve the current problems of the Church.)

PAINE'S GOD

It seems to me that one of the most basic difficulties of the 'rights of man' philosphy is that its authors use traditional terms while giving them a completely new meaning. The word 'God', which so reassures conservatives when they come upon it in political documents, had a completely different meaning for the philosophes than it has for us. They professed, not Christianity, but Deism. This was more or less a set of propositions about God which are discoverable by reason; it can be traced at least as far back as Locke in the 17th century, but its heyday came in the 18th.

Its most famous and widely read formulation, which appeared in 1794, was The Age of Reason by Thomas Paine.

Paine, who was born in England, was a friend of Benjamin Franklin and other Founding Fathers, and came to be greatly honoured in America for his part in the Revolution. Returning to Europe, he enthusiastically supported the French Revolution and wrote his Rights of Man to justify it. Later, he claimed, he became concerned that the French, having abolished '.....*the whole national order of priesthood, and of everything appertaining to compulsive systems of religion, and compulsive articles of faith,... of superstition, of false systems of government and false theology.....*'(4), were going a little too far. Indeed, he wrote in a letter to Samuel Adams, '*The people of France were running headlong into atheism, and I had the work (The Age of Reason) translated into their own language to stop them in that career, and fix them to the first article of everyman's creed who has any creed at all and that first article should be ....I believe in God.*' (5). Paine's book, intended for the instruction of the French and dedicated to the citizens of the United States, summed up the Deist position in a famous sentence: '*It is only by the exercise of reason that man can discover God.*' (6) Paine denied all revelation and asserted, '....*the age of ignorance commenced with the Christian system.*' (7) After ridiculing the doctrines of the Trinity and the Redemption he summarised his new religion: '*How different is this to the pure and simple profession of Deism! The true Deist has but one Deity, and his religion consists in contemplating the power, wisdom, and benignity of the Deity in his works, and in endeavouring to imitate him in everything moral, scientific, and mechanical.*' (8)

THE MASONIC RELIGION PAR EXCELLENCE

There is an important point to be kept in mind when reading such writers as Paine and his 18th century friends. They are too often taken at face value as honest philosophers genuinely seeking truth, rather in the style of Aristotle and Plato. The big difference, of course, is that the Greek philosophers were pagans deprived of Revelation, living centuries before Christ. The philosophes in order to set up the 'natural religion' of Deism, had first to reject consciously the truths of Christianity.

Of them Our Lord might say, as He said of the Jews, *'If I had not come and spoken to them, they would have no sin. But now they have no excuse for their sin. He who hates Me hates My Father also.'*9 While we cannot judge their hearts,it appears that in many cases they were moved to espouse Deism not for any genuine intellectual motives, but by a hatred for the Catholic Church fostered in the Masonic lodges to which most of them belonged. Deism is the Masonic religion par excellence. A second object of the philosophers' hatred was the Catholic monarchy of France, and , eventually, all monarchy. The 'rights of man' were formulated largely as weapons against these institutions. We must therefore remember, while answering the arguments of these men as if they were in good faith, that they often used philosophical constructions chiefly as instruments of subversion.

Having proposed an anaemic, abstract idea as the meaning of the word 'God', (*'The only idea man can affix to the name of God is that of a first cause, the cause of all things.'10*), the Deists needed to find another entity to which they could give some sort of impersonal intellectual allegiance and which could serve as the basis for a humanistic morality. They did not have far to look. "Science" was the rage of the 18th century, and by it was meant the new emphasis placed, since the 17th century, on scientific method (largely made possible by the development of more sophisticated scientific instruments). Scientists such as Newton had set themselves the task of observing exactly how natural things behaved and formulating laws which could explain this behaviour. Nature was thus seen as non-mysterious, thoroughly intelligible, and eminently useful to man - a view generally associated with the name of Newton. As Voltaire remarked, *'Very few people read Newton, because it is necessary to be learned to understand him. But everbody talks about him.'*11 Not only did they talk about him, they wrote endless popularizations of his supposed views and credited him with a wholly new way of looking at the world.

DEIFICATION OF NATURE

Here was what the philosophers had been looking for. In nature they would, by the use of reason alone, discover the secrets of the natural laws and behaviour of all things, including man.

They would then bring all institutions and laws into harmony with what they conceived to be the natural order (another Masonic idea). As Carl Becker puts it, *'Obviously the disciples of the Newtonian philosophy had not ceased to worship. They had only given another form and a new name to the object of worship: having denatured God, the deified nature. They could, therefore, without self-consciousness, and with only a slight emendation of the sacred text, repeat the cry of the psalmist: "I will lift up mine eyes to Nature from whence cometh my help!"*12'

This deification of nature had important philosophical consequences. If nature was ultimate, absolute truth, then the study of nature was essential to a true understanding of man and his political and social behaviour and needs. But the proper way to investigate nature was through the scientific method, which meant accepting as true only that which could be verified experimentally. Therefore, the search for truth in nature required freedom for those who pursued it: freedom to apply the scientific method to all things, and to reject whatever could not be proved by it,including the claims of revealed religion and traditional political philosophy. This implicit 'right' to autonomy for the individual - the right to pass judgement on all things in view of his own 'self-determination' can thus be seen to underlie all the specific 'rights of man' elaborated later.'13

RIGHTS FROM NATURE

For the Enlightenment philosophers, then, man because of his nature possesses certain rights which flow from that nature. These tend to be seen as natural tendencies and powers like those observed in the material world. Nature being conceived as an absolute, the rights flowing from it came to be seen as quasi-absolute, leading to an exaltation of the autonomous individual over any hierarchical authority, and even over society itself. Society eventually came to be seen as existing for the sake of the individual and at his service , instead of the other way around.(It need hardly be mentioned what a splendid tool of subversion of all social order this doctrine is.)

I have left out of this survey the development of the rights of man ideology other ideas which certainly contributed to it, such as Rousseau's argument that man is naturally good and uncorrupted by Original sin. The theory of the goodness of man worked powerfully in the direction of his deification as St. Pius X put it, *'They have put man in the place of God.'* I think enough has been said, however, to make clear that the exaltation of the rights of man as it exists today is the result of false premises concerning both God and nature, couched in terms which were given radically different meanings by the 18th-century philosophers from those which they hold for us.

Theoretically, and given the all-important condition of good will on the part of those who hold this philosophy, it should be possible to demonstrate to them the error of their theories by reason alone. St. Thomas, after all, refuted philosophical errors on philosophical grounds, without recourse to Revelation. In practice, however, I do not think it can be done. The whole question of natural law and natural rights is so closely connected with the end of man which is supernatural that we could not ignore this end in our discussion. Only by having a clear idea of man as a creation, not of the 'Great Watchmaker' of the Deists but of the Living God of Revelation, can be consider human rights properly.

THOMISTIC PRINCIPLES

Let us now turn to the teaching of the Church and of Catholic philosophers who have studied this issue. The work of St Thomas is, of course, a primary source. As, however, he did not have to deal with the specific false ideology which so plagues us, we cannot expect to find in his writings a treatise on the rights of man which will answer all our modern questions. The principles we need are there, but they are scattered throughout his monumental work (the Treatise on Law and the Commentary on the Nicomachean Ethics contain especially pertinent material). Catholic natural law philosophers have always drawn upon the work of St. Thomas, but much more needs to be done. As our moral and intellectual anarchy reaches a point undreamed of even thirty years ago, the principles of the Angelic Doctor must continually be studied and reapplied to contemporary errors.

Unfortunately, the true mind of St. Thomas has become incomprehensible to many 'Catholic' thinkers writing today.

PRE-CONCILIAR PAPAL TEACHING

The pre-Vatican II popes have also given us a number of precious documents on which to draw for light on the subject of human rights. Thus, only seven months after the publication of the French Declaration of the Rights of Man in 1789, Pius VI condemned the false rights contained in the document, including the right to express publicly, orally or in writing, any opinion whatsoever (our precious *'freedom of speech'*).14 Many other papal statements, such as the encyclical of Pope Leo XIII, Libertas Humana, offer a wealth of material for our consideration. In the encyclical just mentioned, the pope states very clearly,*'...it is quite unlawful to demand, to defend, or to grant unconditional freedom of thought, of speech, of writing, or of worship, as if these were so many rights given by nature to man. For if nature had really granted them, it would be lawful to refuse obedience to God, and there would be no restraint on human liberty.'*15

THE TRUE RIGHTS OF MAN

An excellent summary of Church teaching regarding the rights of man has been made by the French Catholic writer Michel Martin. *'Man created by God'*, he writes, *'has nothing of himself; of himself, he has no right at all. His only rights are those which he holds from God. Ontologically, God alone has rights and when one violates a true right of man, (that is to say, a right which he has from God), one is primarily attacking the rights of God by violating an order established by Him.'*16 He also quotes Pope Leo XIII in his Encyclical on the Ralliement of February 16, 1892: *'Once the State refuses to give to God that which is God's it refuses, by a necessary consequence, to give to the citizens that to which they have right as men; for, whether one wishes it or not, the true rights of man are born precisely from his duties towards God.'*17 Human rights, then, being *'only a counterpart of the duties which the creature has to his creator,'*18 it follows that we possess them in matters concerning such things as our families and our religion.

*'If he imposes on us, for example, the duty of adoring Him, we have the right to build churches, to keep Sunday holy, and to render Him the cult which is due Him.'*19

CARDINAL PIE

The great Cardinal Pie summed up the points presented above in a sermon given in Chartres Cathedral on the first Sunday of Lent,1849: *'It is the duty of the theologian, in order to prevent sacrilegious confusion, to establish the essential and profound distinction between the right of God and all that He has permitted us to call the rights of His creature. The right of God is right in its essence, in its source, in its root; it is independent, unlimited, necessary right; the right of God is identical with the very notion of right, and, to say it all, the right of God is God Himself, since God Himself is the reason for His right.*

The rights of man, on the contrary, are a participation, an outflowing, of the right of God; they are subordinated, restricted, contingent rights...and, to speak more precisely, the rights of man are not properly distinct from the right of God, since they have their principle in its full extension, we ought to say, "divine right of fatherhood, divine right of sovereignty... divine right of property." It is from God , the Apostle tells us, that all paternity descends: "A quo omnis paternitas"; and it is from God, adds the same Apostle, that all authority proceeds, whether over men or over things, by right of sovereignty of right of property: "Omnis potestas a Deo."

*Thus no created being, whether head of a family, of an empire or owner of a piece of property, can claim a right or exercise a single act of authority except in dependence upon and by the delegation of Him in whom is contained all power and all paternity. "A quo omnis paternitas, omnis potestas a Deo."'*20

From these citations we can get some idea of the essence of the Catholic conception of human rights. The main points might be summarized as follows: 1) man's true rights have their source in God alone, and are in a way only an extension of His absolute right;

2) they are strictly related to our duties towards God and His will for us - the true foundation for an unborn infant's right to life, for example, is not a natural claim to a merely human life but the supernatural end for which God has destined him; 3) there can exist no possible right to anything which is against the will of God.

RELATIONISM

Much more would need to be said, of course, before we could have anything like a complete theory of human rights. Our exercise of our rights takes place in the practical order, as between one person and another, and must always be kept in proper perspective. The Abbe de Nantes has been doing considerable work on this aspect of the human rights problem. Starting from the fundamental relationship which exists, at every moment, between creature and Creator, he shows that God has also willed to create us within a given framework of relations which exist between us and all the persons who make up our milieu .....parent-child, ruler-ruled, employer-employee, etc. It is within this framework of relations willed by God for us that we fulfil many of the duties He places upon us, and it is by these relations that our rights are largely defined and limited (a parent whose child had died, for instance, ceases to possess parental rights, for the relationship on which they depended has ceased). In this very inadequate glimpse of what its author calls "Relationism" we can see a refutation of the modern concept of a human being as a solitary individual possessed of absolute rights independently of any relationship he may have with God or other members of society.21

Where does all this leave us with respect to the disorders produced in our society by the false philosophy we have been considering? Practically speaking, I am afraid it leaves us nowhere. It seems incontestable that true human rights can only be properly defined and protected in a Catholic society.

For if man's rights are intimately connected with his duties towards God, and if only the Catholic Church can tell us what those duties are, it follows that only She can truly form and guide a social order pleasing to Him. In a pluralistic state we cannot hope to get the necessary first principles accepted. True social order, like world peace, is yet another area where all is hopeless humanly speaking, and where we must therefore place our hope in Our Lady's promise at Fatima that in the end she (and truth) will triumph. In preparation for that day, however, we should try to rid ourselves of any false ideas we might have as the result of living in a disordered world, and look with the eyes of the Church at what the new Christendom should be in its organisation and institutions.

CONCILIAR TEACHING

It remains to examine the phenomenon of how the rights of man ideology invaded the Church. We have seen that rights are merely a counterpart of our duties towards God, and that therefore a 'right' to error or to anything at all against the law of God would be a contradiction in terms. God, the source of all right, cannot be the source of error or immoral behaviour.

This traditional teaching of the Church suddenly suffered a strange reversal during and after Vatican II. In trying to analyse the new teaching of the 'conciliar' Church, we find certain parallels with the development of the human rights ideology in secular philosophy - especially in the ambiguous use of terms and the positing of a source of rights other than God.

Before discussing these two aspects of conciliar teaching on human rights, it might be well to summarise the position in which the Church found herself from the time of the French Revolution until the death of Pope Pius XII. It was not only that she had to fight against the false ideas of liberty, pluralism, and revolution which had invaded the political order; she also found it increasingly necessary to meet the attacks of those same ideas put forward by liberal Catholics within the Church itself. Due partly to the general weakening of Faith which had developed since the Renaissance and partly to the psychological conditioning experienced by the citizens

of the new pluralistic republics, a current of Catholic thought arose which aimed at introducing utopian democratic ideas into both the Church and civil society.

LAMENNAIS

The church at first reacted forcefully. Pope Gregory XVI, for example, condemned the ideas of the French 'Catholic Liberals' of the 1830s. This group championed various human rights such as freedom of the press, and called for the separation of Church and state. One of their leaders, Lamennais, went so far as to advocate a form of liberation theology and religious indifferentism. After the papal condemnation, the leaders of the movement submitted to the church except for Lamennais, who died unreconciled. The theories of these liberals, although condemned, continued to influence future generations of Catholics.

AMERICANISM

The desirability of the separation of Church and state, which implies the recognition of a right to religious liberty, was one of the issues included in 'Americanism' or the 'Americanist Heresy', which attracted the attention of Leo XIII and caused him to issue a warning letter, Testem Benevolentiae, in 1899. The 'Americanist' liberal Catholics tended to exalt the individual and his rights, and invested American democracy and political institutions with a certain divine approval. Typically, these liberals did not admit that there was any such thing as an Americanist or, if there were, that they professed it. As a movement, it apparently (but only apparently) faded from the scene after 1899; in reality, as Dr. John Rao has shown in his study of Americanism, it quietly continued to infilitrate the Catholic Church not only in the United States but throughout the world - and it triumphed at the Second Vatican Council. As Dr Rao writes, *'...one would have to keep his eyes shut not to recognise just how many 'Americanist' concepts played a role in its (Vatican II's) proceedings and interpretation. The notion of avoiding doctrinal issues for purely 'pastoral' concerns is something an "Americanist", suspicious of ideas, would want. The subtle transformation of a non-doctrinal synod into a force for developing a democratic, pluralistic, truly oppressive institution is something that a student of "Americanism" could have predicted. So was the insistence upon separation of Church and State.*

Efforts, since the Council, to minimise Catholicism by 'integrating' Marxist, Feminist, and Homosexual ideas into the body of the Faith are all vivid signs of the pressure of "Americanism".

The most certain indication of its presence is the boredom and the childishness of much of what passes for Catholic life since the middle 1960s. How could "Americanism" not triumph, when the very centers of the Universal Church reflect its wishes ?22

THE SILLON

A few years after the papal admonitions concerning Americanism, Pope St Pius X condemned yet another liberal Catholic movement in France known as the Sillon. This organisation aimed at both the evangelisation and social betterment of the working class. Although doctrinally sound in the beginning, it rapidly fell into error - largely, according to the Holy Father, because its self-confident leaders lacked the knowledge of history and true philosophy and theology necessary to prevent the infilitration of liberal and protestant ideas. 23 The Sillonists soon showed themselves to be more pupils of the philosophes than of the Doctors of the Church, especially in what they considered to be human dignity. According to them, writes St Pius X., *'The first element of this dignity is liberty, understood in the sense that, except in the matter of religion, each man is autonomous.'*24 It will be observed that the Sillonists explicitly claimed autonomy for the individual except in matters of religion. Practically, however, they were in favour of a society in which religious differences did not really matter: *'a democracy neither Jewish, nor Protestant, nor Catholic, a religion more universal than the Catholic Church'*25 It was only a matter of time and logic until the false autonomy claimed for man by the liberals would be extended to religion.

DIGNITATIS HUMANAE

In spite of the specific and repeated condemnation by his predecessors of any right to religious liberty, Paul VI proclaimed to the United Nations that the Church recognises such a right, and Vatican II declared it in its most notorious document, Dignitatis Humanae. How did it happen that the Church, having resisted the rights of man ideology from the time of its appearance in the eighteenth century, could so reverse herself as to concede the legitimacy of the most pernicious of those rights,

that which attacks most nearly the right of God? Many influences were undoubtedly at work in bringing about this development, but three of them seem especially significant. First, the psychological and intellectual conditioning of those who formulated (and those who voted for) Dignitatis Humanae was certainly an important factor. There was also a muddling of the terms of discussion, and a confusion of the issue by ambiguous terminology, such as we have seen in the philosophical development of the 'rights' concept. Finally, underlying the whole argument, is the same fundamental philosophical error we saw in the work of the philosophes.

200 YEARS OF CONDITIONING

The psychological and intellectual conditioning of the authors of the Vatican II documents and of most of the Council fathers must not be underestimated. For nearly two centuries, and in some cases for several hundred years, most European and American Catholics had not lived in a Catholic society but in secular states founded on alien principles. It was natural that these Catholics, being well disposed towards their own countries, would tend to find these principles more or less good. This was especially true in the case of British and American Catholics who benefitted from the 'right' to religious liberty accorded them by societies which had formerly persecuted them; the idea of a right to religious freedom seemed good to the unreflective, largely because they had profited from it. In addition to the practical influences of daily life in the secular state, the currents of liberalism and modernism which had entered the Church in the nineteenth century led Catholic intellectuals to formulate theories of human rights and human nature based on pagan naturalism. When these "theologians" became periti at the Second Vatican Council, they were inclined to favour any promotion of human dignity, rights, freedom, etc. Finally, the peculiar personality of Pope Paul VI disposed him to seek 'dialogue' rather than confrontation with the world and with unbelievers; to be productive, the idea of dialogue requires that the position of both the parties be considered as having a certain legitimacy. It was embarrassing to the ecumenically-minded to have to tell non-believers that they had no right to their unbelief, and the Pope apparently shared the liberals' yearning for more "open" and progressive theological principles.

Thus many churchmen at the time of Vatican II were eager, for various reasons, to have the Council acknowledge the 'right' to religious liberty as a basis for pluralism and ecumenism.

We might briefly recall here that the traditional teaching of the Church, based on careful theological distinctions, has always been that while a man's conscience remains free and cannot be coerced, there is no such thing as a natural right which would justify him in acting upon the dictates of an erroneous conscience. Someone, for instance, who becomes absolutely convinced of the existence of a new god can be reasoned with, preached to, and prayed for, but there is no legitimate way by which he could be forced to change his mind. Whether he is insane, deluded by the devil, or merely foolish, his new creed is an internal matter between him and God. If, however, he feels impelled to preach or write about his new deity, or erect a church to him, thus acting externally on the basis of an objective error, he ought to be prevented from so acting. Not only does his error give him no right to establish a false religion, but those who profess the true religion have a legitimate right not to be subjected to false teaching - not to mention God's right not to 'have strange gods before Him.' In a Catholic country where there exist communities of Jews or other non-believers, the Church has sometimes tolerated the public profession of these false religions when it was judged expedient for the common good, or to avoid a greater evil. She was never held that in doing so she was recognising any 'right' of non-believers to profess error.

Hence Pope Pius IX referred in the encyclical Quanta Cura to *'that erroneous opinion most pernicious to the Catholic Church, and to the salvation of souls, which was called by Our Predecessor, Gregory XVI (lately quoted) the insanity (deliramentum) (Encycl. 13 August 1832)'*, namely, *'that the liberty of conscience and of worship is the peculiar (or inalienable) right of every man, which should be proclaimed by law.'*.26 In the Syllabus of Errors can be found the following statements concerning religious freedom which are condemned: *'Every man is free to embrace and profess that religion which, guided by the light of reason, he shall consider true.'*27

And *'In the present day it is no longer expedient that the Catholic religion should be held as the only religion of the State, to the exclusion of all other forms of worship.'*28 *'Hence it has been wisely decided by law, in some Catholic countries, that persons coming to reside therein shall enjoy the public exercise of their own peculiar worship.'*29 *'Moreover, it is false that the civil liberty of every form of worship, and the full power, given to all, of overtly and publicly manifesting any opinions whatsoever and thoughts, conduce more easily to corrupt the morals and minds of the people, and to propagate the pest of indifferentism.'*30

In these statements the Holy Father was summarising and repeating the perennial teaching of the Church on religious liberty. In spite of this, one hundred and one years (almost to the day) after the issuing of the Syllabus the Second Vatican Council declared: *'This Vatican Synod declares that the human person has a right of religious freedom. This freedom means that all are to be immune from coercion on the part of individuals or of social groups and of any human power, in such wise that in matters religious no-one is to be forced to act in a manner contrary to his own beliefs. Nor is anyone to be restrained from acting in accordance with his own beliefs, whether privately or publicly, whether alone or in association with others, within due limits....This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed. Thus it is to become a civil right.'*31

CONTRADICTION IN TEACHING

One does not need to be a theologian to observe that there is a contradiction between the above statement and previous Church teaching.* As Michael Martin has observed, the simple use of reason is sufficient to discover that either: a) the external exercise of religious liberty by unbelievers is not a right (traditional teaching), or b) it is a right (Vatican II); and that what the traditional teaching forbids, the new authorises.31

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* Some traditionalists and Conservative writers argue that this is not so. But even were one to accept their arguments there is no doubt that in countries such as Spain and Italy, the practical effects of the post-conciliar teaching have been contradictory to pre-Vatican teaching. (Ed.)

Since the Holy Spirit cannot contradict Himself, if He guaranteed the previous declaration of the Magisterium, both ordinary (as always and everywhere taught), and extraordinary (at least Quanta Cura)33, on religious liberty, it is impossible to see how He could also guarantee the novel 'pastoral' declaration of Vatican II. The American conciliar expert, John Courtney Murray, admitted as much when he declared that the traditional doctrine and the statement of Vatican II are *'either contradictory or contrary.'*34 In his commentary on the Abbot text of Dignitatis Humanae he says merely that the course for the development between the Syllabus of Errors (1864) and Dignitatis Humanae (1965) still remains to be explained by theologians.35

The source of this contradiction in teaching would seem to lie partly in the confusion of the terms employed in the discussion (as we have seen in the case of the eighteenth century rights of man philosophy where traditional terms were used ambiguously). There is thus, in Dignitatis Humanae, no distinction made between internal freedom (of conscience) and external freedom (of action upon false premises) - which distinction has always been central to theological discussion of this issue. There is also an obscuring of the difference between forcing someone to believe or behave contrary to his conscience (which cannot legitimately be done), and preventing him from doing something contrary to objective truth - which there is every reason to do. The Council gathers up the widely different concepts of freedom of conscience, private action, public action, civil right, toleration, etc. under the same umbrella term of 'right to religious freedom.'

Perhaps even more serious is the basis adduced by Vatican II for this 'right': *'The synod further declares that the right to religious freedom has its foundation in the very dignity of the human person....'*36 And, *'....the right to religious freedom has it's foundation, not in the subjective disposition of the person, but in his very nature.'*37 Here we find two related principles, the first of which is the dignity of the human person. The council explains what it means by men's dignity as persons: *'that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility....'*38 It is a little difficult to see in the possession of reason and free will a special dignity which gives rise to the

rights of man. As Michel Martin has pointed out it would be proper to speak of human dignity in referring to the original state of justice and holiness in which Adam was created. By original sin, however, man fell into a state of 'congenital indignity' and unspeakable misery, condemned to eternal punishment by the wrath of God.39 Our Lord, by the redemption, designed to re-establish men as children of God by Sanctifying Grace: *'Then also was re-established the primitive 'dignity' (of man), but as a generous gift of the Lord. Catholic teaching has always translated this doctrine by the formula: 'misery of man' and 'dignity of the Christian.' There is thus no 'human dignity' possible except with reference to the redemptive grace of Jesus Christ.'*40 In place of the 'dignity of the Christian' - resulting from the infusion of Sanctifying Grace in Baptism - the Council proposes a 'dignity of the human person.' This dignity , in turn , is said to be rooted in the nature of man.

This appeal to 'nature' as the ground of right recalls the arguments of the philosophes. (And yet we recall the statement of Pope Leo XIII, quoted earlier, that *'...it is quite unlawful to demand, to defend, or to grant unconditional freedom of thought, of speech, of writing, or of worship, as if these were so many rights given by nature to man. For if nature had really granted them, it would be lawful to refuse obedience to God, and there would be no restraint on human liberty.'* This appeal to nature as the source of rights carries with it the further implication of a certain autonomy for the whole order of nature (also an Enlightment concept). And, indeed, we find this notion scattered throughout the documents of Vatican II. In Gaudium et Spes, for example, there is the statement that: *'If by the autonomy of earthly affairs we mean that created things and societies themselves enjoy their own laws and values which must be gradually deciphered, put to use, and regulated by men, then it is entirely right to demand that autonomy.'** And further on in the same document, *'consequently we cannot but deplore certain habits of mind, sometimes found too among Christians, which do not sufficiently attend to the rightful independence of science.'** 42 (This section is followed by a reference to Galileo).

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* Gaudium et Spes does indicate however, that this independence cannot be taken to mean that created things do not depend on God or that man can use them without any reference to their creator. It remarks 'when God is forgotten the creature itself grows unintelligible'

The decree on the laity, Apostolicam Actuositatem, contains an exaltation of the temporal order. After stating the 'intrinsic value' of the various elements of the temporal order the decree continues, *This natural goodness of theirs takes on a special dignity as a result of their relation to the human person, for whose service they were created. Last of all, it has pleased God to unite all things, both natural and supernatural, in Christ Jesus "that in all things he may have the first place." (Col. 1:18). This destination, however, not only does not deprive the temporal order of its independence, its proper goals, laws, resources, and significance for human welfare but rather perfects the temporal order in its own intrinsic strength and excellence and raises it to the level of man's total vocation upon earth.'* (The commentator's footnote to this last sentence declares, *'The age-old detachment of the Church from the 'evil world' is no longer valid.'*)43*

It is true that there can also be found in the conciliar documents statements recalling the existence of Revelation, the fact of Original Sin, etc. Even Dignitatis Humanae contains a statement of traditional doctrine, quoted by Cardinal Ratzinger in a letter to Archbishop Lefebvre as if it somehow made the rest of the document harmless. Such statements were often inserted into objectionable texts during the Council in an attempt to pacify critics and win votes for the documents. These 'orthodox' sentences cannot, however, neutralize the poison introduced by the intrusion of false principles into the teaching of the Council. It seems abundantly clear that (1) the rights of man ideology now proclaimed by the conciliar Church is identical with that originated by the Masonic Enlightenment Philosophers, and is drawn from similar premises of a false autonomy for man and nature; and (2) this ideology is in direct conflict with traditional Catholic teaching on human rights, and has been many times condemned by the Church.

(The footnote continues, *'Christian laymen must engage in the world, contribute to the perfection of its own values, and enlighten it with the truth of the gospel.'* (Editor)

Tom Paine would have found the religious liberty declaration in harmony with some of his own ideas. After declaring in The Age of Reason, 'My own mind is my own church', he added kindly, 'I do not mean by this declaration to condemn those who believe otherwise; they have the right to their belief as I have to mine.' In fact, Paine foresaw the ideological development we have been following: 'Soon after I had published the pamphlet Common Sense, in America, I saw the exceeding probability that a revolution in the system of government would be followed by a revolution in the system of religion.'44 Between the Declaration of Independence and the Declaration on Religious Liberty in the twentieth, a 'revolution in the system of religion' has indeed occurred.

NOTES

1. "The Natural Law: A Perennial Problem" . Ronald P. McArthur. Text of an address delivered at the annual meeting of the Natural Law Forum, 1980. The American Journal of Jurisprudence, p.18
2. "Droit: Theories des Droits de l'Homme"; conference recorded on cassette tape, 1979. (Note the different perspective on corresponding duty put forward by Arnaud de Lassus - the baby has a right to life therefore this imposes on others the corresponding duty of ensuring that such right is not denied -Editor)
3. Summa Theologiae, Ia, IIae, Q.94, art.2. Pegis translation.
4. Thomas Paine, "The Age of Reason" (New York 1948), p.5.
5. Ibid., p viii. 6. Ibid., p.28. 7. Ibid., p.39.
8. Ibid., p. 43. 9. John 15, 22-23. 10. Paine, op.cit., p.27
11. quoted in Carl L. Becker, The Heavenly City of the Eighteenth - Century Philosophers (Newhaven, 1932), p. 60. 12. Ibid., p.63.
13. I am indebted to Dr. Paul Downing for this analysis of how an essentially deterministic concept of nature could have led to the positing of individual autonomy and self-determination as the basis of rights....an explanation I have found nowhere else.
14. De Rome et d'Ailleurs B.P. 177, 78004 Versailles, France - No.10 April 1980, p.14.
15. Libertas Humana (New York 1941) p.26.
16. De Rome et d'Ailleurs, loc.cit.
17. Ibid., p.15. - my translation.
18. Henri le Caron - De Rome et d'Ailleurs - No. 63 Oct 1985, p.4.
19. Ibid. 20. My translation from the same periodical.
21. Abbe Georges de Nantes in his Contre-Reforme catholique au XX siecle, Maison St. Joseph 10 260 St Parres les Vaudes, France; especially no. 141, May 1979 "Sur les Droits de l'Homme" and no.173, Jan.1982, pp.3-12, "Etre et Creation."
22. Dr. John Rao, "Americanism and the Collapse of the Church in the United States" (A Remnant reprint available from the Remnant 2539 Morrison Ave., St. Paul, MN 55117),p.49-50.
23. St. Pius X, "Letter on the Sillon", para.4. Taken from la Contre-Reforme catholique au XX siecle No. 47, Aug. 1971.
24. Ibid., para. 13. 25. Ibid., para. 39.
26. Pope Pius IX, Quanta Cura, in "The Papal Encyclicals in their Historical Context" ed, by Anne Freemantle, N.Y. 1958, p.137.
27. Syllabus, no.16 in op.cit. 28. Ibid., no.77.
29. Ibid., no. 78. 30. Ibid., no 79.
31. Documents of Vat.II. Abbott S.J. (N.Y. 1966), p.679

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32. Michel Martin, De Rome et d'Ailleurs. No. 62, Sep.1985, p.14.
33. M. Martin, "le Concile Vatican II et la Liberte Religieuse" published by De Rome et d'Ailleurs, Jan. 1986, pp.28ff.
34. Ibid., p.42. 35. Abbott, op.cit., p.673. 36. Ibid., p.679.
37. Ibid 38. Ibid.
39. Martin, De Rome etc., no. 64, Dec. 1985, p.5. 40. Ibid.
41. Abbott, op. cit., p.233. 42. Ibid., p.234.
43. Ibid., p.497.
44. Paine, "The Age of Reason", p.6.

THE NEW ATTILA

'Oh do not ask Us who is the "enemy," nor how he is clothed. He is everywhere and he is among all men: he knows how to be violent and how to be subtle. In these last centuries he has attempted to bring about the intellectual, moral, and social disintegration of the unity within the mysterious organism of Christ. He has wanted nature without grace, reason without faith, liberty without authority, sometimes authority without liberty. He is an "enemy" become more and more concrete, with an unscrupulousness which is still surprising: Christ, yes, the Church, no! Then: God, yes, Christ, no! Finally that impious cry: God is dead; even: there never was a God. And see now the attempt to build a world on foundations which We do not hesitate to say are principally responsible for the menace which weighs upon mankind: an economy without God, law without God, politics without God. The "enemy" has been busy and is busy in seeing that Christ will be excluded from the university, from the school, from the family, from the administration of justice, from the enactment of laws, from the assemblies of nations where are decided peace and war.'

(Pope Pius XII Nel contemplare Oct. 1952)

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1789 - CONSIDERATIONS

by H.W.J. EDWARDS

(This article, translated by the author from the Welsh, was orginally intended for Welsh readers, hence it contains a paragraph concerning the libertarian notions of contemporary Welsh Nationalism. Nevertheless, as always, we consider that Mr Edward's 'Considerations' will interest our readers no matter what their nationality - Editor.)

THAT SWEEPING FORCE WHICH BUCKLES ALL OBSTACLES

The French Revolution consituted a repudiation of the very idea of revolution. It had proved that society cannot be lifted by human reason out of the flux of history and earthbound determinations. The attempt to put up reason against history and to prove that it is not the historic that is the natural but rather the rational has ended in chaos and disaster.

Anarchy, tyranny, terror and lawless governments have given the lie to the belief that man can be his own legislator: the belief that the autonomy of individual reason is capable of establishing a pattern of social harmony of exclusive and final validity is erroneous; chaos has followed.

The most awe-inspiring lesson of the French Revolution is not that men with their deliberating reason can make a revolution but that the revolution plays havoc with men - makes and unmakes them, throws them up unexpectedly and then sweeps them suddenly away. Already Cromwell (né Williams) had found out that he goeth farthest who doth not know where he goeth. A fortiori this was the case with the men of 1789. As a French counter-revolutionary wrote: *'That sweeping force which buckles all obstacles? Its whirlwind carries off like chaff all that human force may put in its way. No person may resist its march with impunity. The Revolution leads men more than men lead the Revolution.'*

Robespierre, Colot d'Herbois, Barère never dreamed of establishing a revolutionary government or a reign of terror. They were driven to it like sleep-walkers. Such mediocre men who exercised the bloodiest despotims

until Stalin over a great nation were the most surprised to find themselves with so much power. There is something passive and mechanical in which the Revolution employs those who claim to make her. Who will explain the mystery that, while *'all revolutions are started by philosophers, they are always brought to completion by the foolish?' 'The originators fall victims of their own achievement: Their efforts....put the nations into heavy chains.'* All are struck down - the ambitious seeking their own ends, the fanatics who strive to reach beyond it, those who practise deceit for it and the merely conservative. De Maistre, the counter-revolutionary, scorned the mere emigrés.

THE PROPAGATION OF FALSE DOCTRINES

All these uncanny and gigantic events which followed 1789 may be brought back to 'une cause premiere, unique, efficiente' without which no other factor would have been workable, 'the propagation of false doctrines'. The Encyclopedia was the first volume: the events of 1789 and afterwards were the second. At first sight there seems a contradiction between the vision of fate as an irresistible objective force and the colossal effectiveness ascribed to writers of books. The answer is that, impotent as man is to construct with conscious design, his reason has immeasurable force as a solvent leading to disintegration and destruction. The condition of man is, moreover, rooted in the universe.

De Maistre wrote: *'There is nothing but violence in the universe; but we are spoilt by modern philosphy which tells us that all is good. Evil has sullied all. The "note tonique" of "the system of our creation is the Fall of Man... All beings groan and stretch out with effort and sorrow towards another order of things.'* (It may well be pertinent to note that, as far as I can see as a Catholic, there has in recent years been a shift in emphasis in this respect. The allegedly stern and pessimistic outlook of St. Augustine of Hippo and Pascal has been replaced by a qualified optimism clearly spelt out by Pope John-Paul II in his many references to a fundamentally good humanity, and equally to his clear belief that 'mankind' can bring itself to peace and social justice by means of instruments such as dialogue. Newman in his Apologia did not think in this way. He saw human history as 'the prophet's scroll, full of lamentations').

LIBERTY WILL BREED VIRTUE!

In these terrifying sentences de Maistre repudiated the basic assumption of eighteenth century philosophy, the rationality of the universe. It is not susceptible to the criteria of mathematical logic and rational consistency. To employ imagery from the sphere of psychology the happenings which befall us stem from dark and powerful obsessions; baffling incoherences are due to unfathomable mixed feelings; the heart-rending frustrations are caused by dumb, intractable obtuseness.

The philosophers had claimed that man's naturally good urges had been vitiated by a false teaching on man's fallen nature (they denied the Fall). Vested interests and tyrannical ambition found in that theory a justification for their policies of oppression and exploitation. Repression bred poison. *'Give freedom to the natural instincts. Lift oppression from them. Once released, liberty will breed virtue!'*

In the ringing accents of a poet de Maistre rejected this false hope. *'I can never meditate upon this without feeling compelled to throw myself on my knees, a sinner supplicating grace, - without accepting in advance all the punishment that can fall on my head as a small repayment for the infinite debt which I have incurred towards the eternal justice.'*

WAR - A RECKONING OF GOD WITH GUILTY MEN

Iniquity, injustice, violence? The world offers a spectacle of death by violence. The world is an immense altar. Lives are brought to an end 'sans fin, sans mesure, sans relâche'. Dreaded, abhorred, lonely and indispensable is the hangman. Without him the dams holding society would be swept away. In the same way war is not to be explained by rational, conscious and clear causes. It means a death of sacrifice. Hence the horror of war - and its fascination. Think of the aura of glory, the squalor and cunning, the heroic virtues, the despair. Think of the war psychosis which seizes a nation. That is not the propaganda of states or of capitalist interests, as some believe. 'Popular republics' will fight each other. Before the Europeans came to Africa, the tribes fought each other and, as in Burundi, continue to fight.

War is a reckoning of God with guilty men - not with this or that nation. All are guilty. But why should the innocent

suffer? ! Is God unjust? ! The answer is that there is collective guilt. The sacrifice of the innocent propitiates God. The passion of Christ is the culmination. It is the greatest act of propitiation because the Victim was truly innocent.

We all share the guilt of original sin. The fact may be compared to a traumatic happening in early childhood. It started a dialectic of sin. Man loses grip. He fumbles. He sinks down snared and maddened. He will never save himself. Happiness is not his right. His reason is not his guide. His will is not the final sanction. He is a wretch who yearns for grace. We abet crime. We connive. We condone. This is the Justification for the 'renversabilité' of guilt and punishment. God's arrows fall at random. There is no healing without pain. 'Le remède du desordre sera la douleur.'

IN HISTORY OR IN REASON

De Maistre, whom I have quoted, was they say, extreme; but Bonald and Ballanche echoed him. Novalis, the Schlegels and the Swiss Haller were of the same opinion. In another land Edmund Burke strove against Tom Paine to the same end. There was, alas, no real contest. Burke was 'in history': Paine was 'in reaosn'. Paine could not grasp that there are massive sentiments passed on from generation to generation. As a Welsh Nationalist à outrance I urge that Burke's 'sentiments' are basic to a grasp of nationalism. Paine was, like Glan y Gors, all for the Rights of Man but, as Gwenallt said at Y Fenni, not interested in the rights of Welshmen (or Englishmen). These 'sentiments' are of awe, devotion, affection, chivalrous loyalty and, yes, PREJUDICE. Prejudice in this sense is the total of almost instinctive reflexes generated by recurrent situations and abiding realities. Prejudices are the distillation of the collective thought of innumerable ancestors. They are the condition of the continuity not only of civilisation but of the nation. Without prejudices life would be broken up. There would be nothing but oscillation (igam ogam) and fumbling.

DOGMA - THE ALLY OF PREJUDICE:

The ally of prejudice is dogma: the beliefs, values and frames of mind which we inherit. Bonald particularly contested this denial of the national dogma, which produces social cohesion. The individual's penchant is centrifugal.

Wrote Bonald (contra Tom Paine): *'others have defended the Rights of Man; I defend the religion of Society.'* Individual spontaneity is suspect. It means doubt, analysis, criticism, innovation against prescription, the rationalization of rebellious hearts.[1] It is sterile. All great achievements are the work of faith, carried out by affirmation and devotion.

To behave and act, wrote de Maistre, man needs no problems. He wants faith. His cradle should be surrounded with dogmas. Without them there is no cult, no morality, no government. Without them there is no pietas, - Weltfrommigkeit. Indeed, the revolt of the talented is the most dangerous. And it is the most insolent of aristocracies.

Vis-a-vis the Americans in particular, there is the case against Constitution makers. The history of a nation is its constitution. No wonder that the Jacobins destroyed the Breton estaits and later those of the Frisians. In the years to come the same false spirit partitioned and destroyed the nation of Savoy. Never appeal, I implore my fellow Nationalists, to 1789 and the Jacobins for the Nationalist cause. In the event the constitution of 1789 was fated to death. So also died those constitutions which followed it.[2]

THE CONSTITUTION OF A NATION IS ITS HISTORY

The constitution of a nation is its history. So I wrote before. Some years ago I said in a railway carriage to a young American who was reading a large book on the English Constitution that, in the sense he no doubt had in mind, the secret of the English Constitution was that it did not exist. At once his brow cleared. *'That's what I was beginning to think,'* he confessed.

The passionate opposition of men like Burke to a written constitution was based upon their rejection of the creativeness of man-in-society. He is not a creator: he is a receptor. He manipulates, isolates, combines, sifts and juxtaposes. He introduces distinctions and discovers relationships. What appears as his supreme achievement, language, only serves to show the individual's weakness. No one sets out to compose a real language. Yet after generations the outcome is a masterpiece of orderly cohesion.

THE SOCIAL CONTRACT

Similarly, they rejected the notion of the Social Contract. To write a Constitution is to imply the doctrine of the Social Contract, the vision of men forming consciously a Society instead of a Society shaping them. Such a Constitution reduces the idea of the State from a living partnership in all things to a thin framework of abstract juridical relationships. It ignores all the forces of custom, habit - indeed the national temperament. It is grotesque that Wales, a nation for nearly 1600 years, should be asking for a written Constitution. It was as if a sick man should ask his doctor for a temperament. In comparison with the nation's richness and uniqueness, a written Constitution with its stereotyped phraseology can never be more than words spun out or an act which declares what had always been taken for granted.

Now it is the second which we must discern in such English acts as Magna Carta or the various Bills of Right (Burke when a Whig emphasised 1688-1689). They were composed not to enunciate new principles but because their authors believed that prescriptive laws and the national tradition had been violated. Coleridge made the same point in respect, I believe, of the cry of the English workers: *'GIVE US BACK OUR RIGHTS'*, rights unjustly withheld due to the coercion of the times.

CONSTITUTION MAKERS

In 1843 at Shrewsbury the young, still radical, Disraeli had this to say about constitution-makers.

'Institutions? Why, gentlemen, anybody can have a King, Lords and Commons. In my lifetime (39 years) twenty five states in Europe have made themselves Kings, Lords and Commons. You may take a hundred men and call them dukes, earls and lords and shut them up in a room; you may take 300 men and make them deputies; but do you think that an ancient, enlightened and intelligent nation will consent to be governed by them? No: it would rather be governed by two select vestries.'

That urbane and scholarly English Tory, G.M. Young, had this to say in 1937.

'To the Tory the saying that institutions are not made but grow is a simple and self-evident fact and nothing so well exemplifies the dissidence of the Tory and Radical

minds as the shrill acerbity with which the Radicals denounced it. If you could atomise the nation into its component individuals you might furnish it with institutions satisfying to the most austere rationalist. But you cannot because the roots of all relationships and therefore of all institutions are out of your reach. You cannot disenfranchise the dead.'

WHEN TRADITION IS WEAKENED

A very serious objection has to be put. It was admirably put by Captain Dalroy, the Radical, to his Tory friend, Humphrey Pump, - see Chesterton's Flying Inn.

'When the smooth thing you have made is worked by a new type in a new spirit, then I tell you it would be better for you to be living under the thousand paper constitutions of Condorcet and Sieyes. When the English system is run by an Englishman who hasn't got an English mind, then you have Lord Ivywood and all this nightmare.'

In the fantasy the Whig oligarch, Ivywood, has enacted Islamic laws by exploiting loopholes in the conduct of Parliament. Here is a criticism of how an obligarchy could damage an almost unwritten constitution. Chesterton's 'people' in the fantasy are chiefly working class folk who resist the new legislation because it runs clean contrary to the tradition. But today in England, if not so much in Wales or Scotland, the tradition is weakened very seriously by reason of immigrants from other continents who rightly arrive with their own traditions. If the immigration is too large, it cannot be assimilated; and, indeed, some may refuse to be assimilated (they have my sympathies). Such refusal logically leads to enclaves.

It is instructive to notice how far back the Unionist dogma has led to the corruption of Welsh people in fairly remote regions. I was reading Geraint Jones' valuable little book 'Rhen Sgŵl, braslun o hanes addysg Gynnar Plwyf Llanaelhaearn ac Ysgol Trefor (1878-1978): 'Caneuon gwladgarol Seisnig oedd y rhelyw o ganeuon y dyngaswr anghymreig, caneuon fel 'Hurray, hurrah for England', 'Rule Britannia', 'Old England's Heart', 'Let English boys their duty do': (all in the late nineteenth century*). Well did that fine Scottish patriot, Fletcher of Saltoun, write to the Tory Marquis of Montrose: 'I knew a very wise man who believed that, if a man were permitted to make all the ballads, he need not care who should make the laws of a nation.' Saltoun was, of course, assuming that the ballads would be national.

THE SOCIAL MEDIATORS

One consequence of the déraciné world in which too many of us in Wales now live is the advent of the Social Mediators. This evil is so serious in the U.S. ('the melting pot') that an American has written a book about it. Entre eux he writes: *'Integration' demands the elimination of personal and instinctive ties of men and women of the same regional and national groups. These organic and historical bonds of empathy and trust are suppressed in favour of formal contractual ties. Artistic expressions of discrete cultures are suppressed in favour of systemisation in abstract structures...The State well understands that when even two people meet on the level of their tradition, a tiny but significant conspiracy is formed against the abstract contractual principle.* The author sees that the family is no longer accorded its traditional status but is transformed. Trust and affection are replaced by 'social roles' and 'conditioned duty'. The task of the new social mediators is to get rid, if they can, of the almost instinctive social life of real nations and replace it with the social contract. Perhaps it may be said that Jefferson and his collaborators began it before 1789. But this is no more than to say that 1789 was a birthday rather than a conception.

H.W.J. Edwards

*Translation: A sketch of the education history of the early parish school at Trefor. English patriotic songs and other un-Welsh songs such as.....These 'English' songs, were strictly speaking, un-English or 'British'. Genuine English ballads are not imperialist or aggressive e.g. Sally in our Alley and Tom Bowling. Genuine English 'folk' songs such as those collected by Cecil Sharpe must be also distinguished.

(1) De Maistre conceded the right of scientists in their own field. 'Social Science'? No.

(2) It will be noted that written constitutions have generally suffered the same fate. The U.S. produces many amendments.

THE SOUNDEST RATE OF EXCHANGE

'"There is no peace to the wicked" says the Holy Spirit, because they live in continuous struggle and conflict with the order established by nature and by its creator. Only when this order is restored, when all peoples faithfully and spontaneously recognize and profess it, when the internal conditions of peoples and their outward relations with other nations are founded on this basis, then only will stable peace be possible on earth. But to create this atmosphere of lasting peace, neither peace treaties, nor the most solemn pacts.....will be enough unless in the first place are recognised the sacred rights of natural and divine law. No leader in public economy, no power of organisation will even be able to bring social conditions to a peaceful solution, unless first in the very field of economics there triumphs moral law based on God and conscience. This is the underlying value of every value in the political life as well as the economic life of nations; this is the soundest "rate of exchange." '

'...For men...penance is the foundation and bearer of true peace, detaching them from earthly and perishable goods, lifting them up to goods that are eternal, giving them, even in the midst of privations and adversity, a peace that the world with all its wealth and pleasures cannot give... Prayer then and penance are the two potent inspirations sent to us at this time by God, that we may lead back to Him mankind that has gone astray and wanders about without a guide; they are the inspirations that will dispel and remedy the first and principle cause of every revolt and every revolution, the revolt of man against God. But the peoples themselves are called upon to make up their minds to a definite choice: either they entrust themselves to these benevolent and beneficent inspirations and are converted, humble and repentant, to the Lord and Father of mercies, or they abandon themselves and what little remains of happiness on earth to the mercy of the enemy of God, to the spirit of vengeance and destruction.' **(Pius XI)**